

STATEMENT OF PROCEEDINGS
FOR THE REGULAR MEETING OF THE LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD
HELD IN THE CITY OF MONTEREY PARK, MONTEREY HILL RESTAURANT,
CARMEL BALLROOM, 3700 RAMONA BOULEVARD, MONTEREY PARK,
CALIFORNIA 91754

ON

WEDNESDAY, FEBRUARY 14, 2018, AT 12:00 PM

Members Present: Curtis Morris, Mark Alexander, James Bozajian, Ray Cruz, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

Alternates Present: Reva Feldman, Darrell George, Ernie Hernandez, Steve Hofbauer, Lindsey Horvath, and Steve Mandoki

1. **Call to Order.**
2. **Opportunity for members of the public to address the Contract Cities Liability Trust Fund Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.**

No members of the public addressed the Claims Board.

3. **Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code section 54956.9).**

- a. Juan Jose Hernandez v. Ryan Erickson Thompson, et al.
Los Angeles Superior Court Case No. MC 026949

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the Settlement of this matter in the amount of \$24,000.

Vote: Ayes: 11 - Curtis Morris, Mark Alexander, James Bozajian, Ray Cruz, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

[See Supporting Document](#)

- b. Miguel Hernandez, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 16-09412

This lawsuit concerns allegations of wrongful death and federal civil rights violations by a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$2,700,000.

Vote: Ayes: 11 - Curtis Morris, Mark Alexander, James Bozajian, Ray Cruz, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

[See Supporting Document](#)

- c. Sergio Salcedo v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 585736

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors the settlement of this matter in the amount of \$625,000.

Vote: Ayes: 11 - Curtis Morris, Mark Alexander, James Bozajian, Ray Cruz, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

[See Supporting Document](#)

4. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

- d. Kathleen Anderson, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 15-09289

This lawsuit concerns allegations of wrongful death and federal civil rights violations by Sheriff's Deputies.

Action Taken:

No reportable action taken.

- e. James Cocherell v. County of Los Angeles, et al.
United States District Court Case No. CV 16-09101

This lawsuit concerns allegations of civil rights violations by Sheriff's Deputies.

Action Taken:

No reportable action taken.

- f. Travis R. Dahle v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 632126

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

No reportable action taken.

- g. Syed Jaffrey v. County of Los Angeles, et al.
United States District Court Case No. BC 612343

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

No reportable action taken.

5. Report of actions taken in Closed Session.

The Contract Cities Liability Trust Fund Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Items No. 3 and No. 4 above.

6. Approval of the minutes of the January 17, 2018, meeting of the Contract Cities Liability Trust Fund Claims Board.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the minutes.

Vote: Ayes: 11 - Curtis Morris, Mark Alexander, James Bozajian, Ray Cruz, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

[See Supporting Document](#)

7. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

No such matters were discussed.

8. **Other Business.**

None

9. **Adjournment.**

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Juan Jose Hernandez v. Ryan Erickson Thompson, et al.
CASE NUMBER	MC 026949
COURT	Los Angeles Superior Court
DATE FILED	March 13, 2017
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 24,000
ATTORNEY FOR PLAINTIFF	Bradley S. Wallace Law Offices of Bradley S. Wallace, PC
COUNTY COUNSEL ATTORNEY	Jessica C. Rivas Deputy County Counsel
NATURE OF CASE	This lawsuit arises from a vehicle collision that occurred on July 3, 2016, in Palmdale, when a vehicle driven by a Sheriff's Deputy collided with a vehicle driven by Juan Jose Hernandez. Mr. Hernandez claims to have suffered injuries as a result of the accident. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.
PAID ATTORNEY FEES, TO DATE	\$ 8,339
PAID COSTS, TO DATE	\$ 136

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Miguel Hernandez, et al. v. County of Los Angeles, et al.
CASE NUMBER	2:16-CV-09412
COURT	United States District Court
DATE FILED	December 20, 2016
COUNTY DEPARTMENT	Sheriff's Department Contract Cities Trust Fund - Santa Clarita
PROPOSED SETTLEMENT AMOUNT	\$ 2,700,000
ATTORNEY FOR PLAINTIFF	John Burton, Esq.
COUNTY COUNSEL ATTORNEY	Millicent L. Rolon Principal Deputy County Counsel
NATURE OF CASE	<p>This is a recommendation to settle for \$2,700,000, inclusive of attorneys' fees and costs, a wrongful death and federal civil rights lawsuit filed by decedent Miguel A. Hernandez's parents and three minor children, by and through their guardians ad litem, alleging federal civil rights violations and wrongful death after the fatal shooting death of Mr. Hernandez.</p> <p>The Deputy claims his actions were reasonable under the circumstances.</p> <p>Given the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$2,700,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 35,185
PAID COSTS, TO DATE	\$ 788



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

<p>Date of incident/event:</p>	
<p>Briefly provide a description of the incident/event:</p>	<p style="text-align: center;"><u>Miguel Hernandez, et al. v. County of Los Angeles</u> Summary Corrective Action Plan 2017-048</p> <p>On January 14, 2016, a deputy sheriff attended his shift briefing and learned about an incident that occurred the prior day where a driver of a white and grey two-tone Lexus with halogen headlights was involved in a road rage incident that ended with the driver firing a handgun at the victim.</p> <p>At approximately 7:45 p.m., the deputy sheriff was on routine patrol in a one-man marked patrol vehicle when he observed a Lexus vehicle that matched the description of the road rage suspect's vehicle. The Lexus had dark tint on the front and rear passenger windows that obstructed the view of the vehicle's occupants.</p> <p>The deputy sheriff followed the Lexus a short distance then he attempted to initiate a traffic stop. The Lexus' driver deceptively used his turn signal several times indicating he was going to turn left onto two different short cul-de-sac roads, but then changed his direction and failed to pull over.</p> <p>On the third street, the Lexus' driver made a left turn and finally pulled over to the right curb. The deputy sheriff immediately exited his patrol vehicle and pointed his duty weapon towards the driver. The deputy sheriff ordered the driver to turn off his engine. As the deputy sheriff advanced toward the Lexus, he stopped at the front bumper of his patrol vehicle.</p> <p>Without being instructed, the decedent (and only known occupant of the vehicle) suddenly exited the driver's door and used vulgar language to express his agitation for being stopped. The decedent bladed his body and kept his right hand out of view of the deputy sheriff, near the right side of his body.</p> <p>The attempt to keep his right hand out of view caused the deputy sheriff to fear the decedent could be in possession of a firearm or other deadly weapon, and he was concealing it in order to gain an advantage during a possible pending attack. The deputy sheriff remained at the front bumper of his patrol vehicle and ordered the decedent to show his hands several times. Several attempts to have the decedent show his hands were unsuccessful and the decedent remained verbally and physically uncooperative.</p> <p>Moments later, the decedent quickly twisted his body toward the deputy sheriff and made a sudden "jerking motion" with his right hand from a concealed position behind his body. Believing the decedent was drawing a gun and about to fire upon him, the deputy sheriff fired one round from</p>

	<p>his service weapon, striking the decedent in the left shoulder¹. The decedent fell to the ground with his hands concealed underneath his torso.</p> <p>The deputy sheriff approached the decedent as he was lying near the open driver's door of the Lexus. The deputy sheriff held the decedent down with one knee and utilized his portable radio to broadcast he was involved in a shooting and requested emergency medical services for the decedent.</p> <p>When the second deputy sheriff arrived, both deputy sheriffs rolled the decedent over to search, handcuff, and provide medical aid. Upon rolling the decedent, the deputy sheriffs discovered a folding knife, with a three-inch blade locked in an open position, underneath the decedent's legs.</p> <p>The Lexus had dark tinted windows that made it difficult to see if there were any other occupants inside. Before providing medical aid to the decedent, the second deputy sheriff checked the interior of the Lexus and discovered there was another occupant in the backseat. The deputy sheriffs then divided their attention to control the second occupant while attempting to provide aid to the decedent. Paramedics arrived on scene a few seconds later and once the second occupant was detained, they began providing medical aid to the decedent.</p> <p>Although the decedent was transported via ambulance to a local hospital and life-saving efforts were performed, he succumbed to his injuries and was pronounced dead a short time later.</p> <p>The second occupant was arrested as he was found to be a parolee-at-large and in possession of illicit narcotics.</p>
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1. Briefly describe the **root cause(s)** of the claim/lawsuit:

A **Department** root cause in this incident was the deputy sheriff failed to conduct any pre-stop coordination or request any additional units prior to making a traffic stop on a vehicle matching the description of a vehicle used in a recent assault with a deadly weapon-firearm incident.

Another **Department** root cause in this incident was the deputy sheriff failed to obtain a position of advantage or obtain back-up prior to approaching the vehicle or after contacting the decedent.

Another **Department** root cause in this incident was the deputy put himself in danger when he approached the vehicle and remained with the decedent, without first clearing the vehicle and/or obtaining back-up.

A **non-Department** root cause in this incident was the failure of the decedent to comply with the lawful orders of the Los Angeles County deputy sheriff.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The incident was investigated by the Los Angeles County Sheriff's Department, Homicide Bureau to determine if any criminal misconduct occurred.

¹ The bullet entered the decedent's left shoulder and traveled laterally into his upper torso, striking vital internal organs.

On January 30, 2017, the Justice System Integrity Division of the Los Angeles County District Attorney's Office issued an officer involved shooting determination letter, concluding the involved deputy acted lawfully in self-defense during the January 14, 2016 incident and indicating the District Attorney's Office will not be taking any further action relating to this incident.

This incident was investigated by representatives of the Los Angeles County Sheriff's Department's, Internal Affairs Bureau to determine if any administrative misconduct occurred before, during, or after this incident. The results of the investigation were presented to the Executive Force Review Committee (EFRC) for evaluation.

On September 21, 2017, the Executive Force Review Committee determined the use of force was within Department policy, however, the tactics were out of policy. Appropriate administrative action was taken.

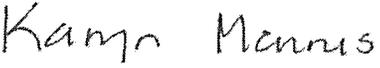
County of Los Angeles
Summary Corrective Action Plan

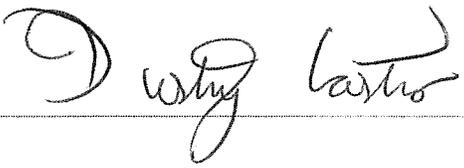
3. Are the corrective actions addressing Department-wide system issues?

- Yes – The corrective actions address Department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)	
Scott E. Johnson, Captain Risk Management Bureau	
Signature: 	Date: 1-2-18

Name: (Department Head)	
Karyn Mannis, Chief Professional Standards and Training Division	
Signature: 	Date: 01-02-18

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input type="checkbox"/> No, the corrective actions are applicable only to this Department.	
Name: (Risk Management Inspector General)	
	
Signature: 	Date: 1/9/2018

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Salcedo, Sergio v. The County of Los Angeles, et al.
CASE NUMBER	BC 585736
COURT	Los Angeles Superior Court
DATE FILED	June 19, 2015
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 625,000
ATTORNEY FOR PLAINTIFF	Candice Klein, Esq., Panish, Shea & Boyle, LLP Tigran Martinian, Esq., Martinian & Associates
COUNTY COUNSEL ATTORNEY	Adrian Gragas, Principal Deputy County Counsel
NATURE OF CASE	<p>The lawsuit arises from a vehicle collision that occurred on June 28, 2013, in which the Plaintiff was injured when a Sheriff's Deputy entered the intersection on a red light and collided with Plaintiff's Mercedes Benz S430 at Firestone Boulevard and Orr and Day Road, in the City of Norwalk.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 118,321
PAID COSTS, TO DATE	\$ 43,968

**COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY TRUST FUND
CLAIMS BOARD**

MINUTES OF MEETING

January 17, 2018

1. Call to Order

This meeting of the County of Los Angeles Contract Cities Liability Trust Fund Claims Board was called to order by Curtis Morris at 11:15 a.m. The meeting was held in the Monterey Hill Restaurant, Carmel Ballroom, 3700 Ramona Boulevard, Monterey Park, California 91754.

Present at the meeting were **Claims Board Members:** Curtis Morris, Chair, At-Large; Mark Alexander, East Division; James Bozajian, North Division; Ray Cruz, South Division; Margaret Finlay, East Division; Patrick Kearney, Central Division; Doug Prichard, At-Large; Jose Pulido, Central Division; Ken Striplin, North Division; Mark Waronek, South Division; Marcel Rodarte, California Contract Cities Association; **Alternate:** Reva Feldman, At-Large; Ernie Hernandez, South Division; Steve Hofbauer, North Division; Lindsey Horvath, At-Large; Steve Mandoki, Central Division; **County of Los Angeles Staff:** Jennifer Lehman, Assistant County Counsel; Ruben Baeza, Assistant County Counsel; Elizabeth Miller, Principal Deputy County Counsel; Scott Johnson, Los Angeles Sheriff's Department; Eric Parra, Los Angeles Sheriff's Department; Maxine Kallenberger, Los Angeles Sheriff's Department; Andrew Rosso, Los Angeles Sheriff's Department; Matthew Squire, Los Angeles Sheriff's Department; Rudy Sanchez, Los Angeles Sheriff's Department; John McNeal, Los Angeles Sheriff's Department; John Wolak, Los Angeles Sheriff's Department; Steve Robles, County of Los Angeles; **Attendees:** John La Salle, Sales Executive, Wells Fargo Insurance Services; Karen Bartak, Bedford Falls Insurance; Michael DeMatte, Milliman, Inc.; **Third Party Administrator for the County of Los Angeles:** Sylvia Hernandez, Claims Manager, Carl Warren & Company; **California JPIA:** Paul Zeglovitch, Liability Program Manager; Jonathan Shull, Chief Executive Officer; Denise Covell, Administrative Assistant.

2. Public Comment

Members of the public were provided the opportunity to address the Contract Cities Liability Trust Fund Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board. No members of the public addressed the Board.

At 11:16 a.m., the Chair adjourned the County of Los Angeles Contract Cities Liability Trust Fund Claims Board into Closed Session.

**3. Closed Session - Conference with Legal Counsel - Existing Litigation
(Subdivision (a) of Government Code Section 54956.9)**

- a. Bertha Yanez Gonzalez, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 540696 (consolidated with
Raymundo Garcia Ceja v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 540697)

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board recommended to the Board of Supervisors and settlement of this matter in the amount of \$330,000.

Vote: Ayes: 11 - Curtis Morris, Mark Alexander, James Bozajian, Ray Cruz, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

**4. Closed Session - Conference with Legal Counsel - Existing Litigation
(Subdivision (a) of Government Code Section 54956.9)**

- b. Travis R. Dahle v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 632126

This lawsuit concerns allegations of injuries received in an automobile accident involving a Sheriff's Deputy.

Action Taken:

No reportable action taken

- c. Nekesha Robertson, et al. v. County of Los Angeles, et al.
United States District Court Case No. 2:16-CV-02761

This lawsuit concerns allegations of excessive force and wrongful death by Sheriff's Deputies.

Action Taken:

No reportable action taken.

5. Report of actions taken in Closed Session.

The meeting was reconvened into public session at 11:36 a.m. No action was taken in Closed Session which required a public report pursuant to Government Code section 54957.1.

6. Approval of the Minutes for December 13, 2017, meeting of the Contract Cities Liability Trust Fund Claims Board.

Action Taken:

The Contract Cities Liability Trust Fund Claims Board approved the minutes.

Vote: Ayes: 11 - Curtis Morris, Mark Alexander, James Bozajian, Ray Cruz, Margaret Finlay, Patrick Kearney, Doug Prichard, Jose Pulido, Ken Striplin, Mark Waronek, and Marcel Rodarte

7. Items Not on the Posted Agenda, to be Referred to Staff or Placed on the Agenda for Action at a Further Meeting of the Contract Cities Liability Trust Fund Claims Board, or Matters Requiring Immediate Action Because of Emergency Situation or Where the Need to Take Immediate Action Came to the Attention of the Board Subsequent to the Posting of the Agenda

None

8. Other Business

None

9. Adjournment

There being no further business, the meeting was adjourned at 11:36 a.m.

COUNTY OF LOS ANGELES
CONTRACT CITIES LIABILITY
TRUST FUND CLAIMS BOARD


LUZ ARACELY LOZA